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August 28, 2024

VIA EMAIL

Honorable Jennifer H. Rearden
United States District Court
500 Pearl Street
New York, NY 10007

USDC SDNY
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Re: *Hayes v. 355 Restaurant Group LLC, et al., S.D.N.Y. Case No. 24-CV-3468 (JHR)*

Your Honor:

This firm represents Plaintiff Kayleigh Hayes (“Plaintiff”). I write on consent of counsel for Defendants 355 Restaurant Group LLC, Arnold and Granoff (the “355 Restaurant Defendants”) to request adjournment of the August 28, 2024 deadline to respond to the 355 Restaurant Defendants’ motion to dismiss (ECF No. 32) the First Amended Complaint (“FAC”) until September 10, 2024. This is the first request to extend the foregoing deadline.¹

This extension is sought as I require additional time to consult with Plaintiff regarding her response to the 355 Defendants’ motion given the procedural posture of the matter. My understanding is that Plaintiff is entitled to file a Second Amended Complaint as-of-right in view of the 355 Defendants’ motion to dismiss. *See, e.g., Nichols v. Livingston Cnty.*, No. 6:18-CV-06669 EAW, 2019 WL 3935998, at *4 (W.D.N.Y. Aug. 20, 2019) (“When a plaintiff seeks to amend his or her complaint against multiple defendants, each defendant is treated separately under Rule 15 for purposes of amending as of right.”).

¹ Defendants MSB Hospitality LLC and Martin Borkan (“MSB Defendants”) separately moved to dismiss the FAC. ECF No. 38. Plaintiff’s response to that motion is due on September 2, 2024. That deadline may be affected if leave to replead is granted, depending on the Court’s decision.

Accordingly, I respectfully request that the Court set September 10, 2024 as the deadline for Plaintiff to amend the pleading as-of-right, or oppose the 355 Defendants' motion.

Alternatively, if the Court is disinclined to permit Plaintiff to amend as-of-right, I respectfully request that the Court set September 10, 2024 as the deadline for Plaintiff to file a motion to amend, or oppose the 355 Defendants' motion.

I thank the Court for considering this application.

Very Truly Yours,
TA LEGAL GROUP PLLC

By:



Taimur Alamgir

Plaintiff's request to extend the deadline to respond to 355 Defendants' motion to dismiss (ECF 32) is GRANTED *nunc pro tunc*. Plaintiff shall file a motion to amend the First Amended Complaint (ECF 27) or oppose the 355 Defendants' motion to dismiss by **September 10, 2024**. Future submissions must comply with the Court's Individual Rules and Practices in Civil Cases. See R. 2.E ("All requests for extensions of time . . . must be made not less than two business days before the scheduled deadline or date. . .").

The Clerk of Court is directed to terminate ECF No. 39.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.
Dated: September 4, 2024